

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:17-cr-00513
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
IRWIN JOSE VARGAS et. al.,)	<u>DEFENDANTS' JOINT MOTION TO</u>
)	<u>CONTINUE ALL DATES AND</u>
Defendant.)	<u>DEADLINES</u>
)	

Now comes the Defendants Irwin Jose Vargas, Keyra Linnette Martinez, Irwing Vargas Rosario, Isidoro M. Gonzalez, Alcides Garcia, Austin Natale, Kayla Mae Jonela, Rosemary Howell, Dennis Mansfield, William Rodriguez, Jeffery Mack, Victor Felix, Nelson Benitez, Jr., Thomas Lopez, and Edgar Arroyo, by and through their undersigned counsel, and hereby respectfully request this Honorable Court to continue all dates and deadlines for ninety (90) days, until January 2019.

On December 16, 2017, the fifteen (15) Defendants were named in a twenty-nine (29) count Indictment which alleges that from October 1, 2016 through the present, the Defendants knowingly conspired to possess with the intent to distribute at least 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, 1 kilograms or more of a mixture containing a detectable amount of heroin, 5 kilograms or more of a mixture containing a detectable amount of cocaine and U847700 in violation of 21 USC 841(a)(1), (b)(1)(A) and (b)(1)(C). On January 24, 2018, this Honorable Court issued its Trial Order, scheduling a pretrial motions deadline of September 21, 2018, a final pretrial conference for October 5, 2018 and a jury trial for October 15, 2018.

The Defendants jointly request this Honorable Court to extend all dates and deadlines in the pretrial order pursuant to 18 U.S.C. § 3161(h)(7)(A). In this instant case, having full knowledge of the particulars of the Speedy Trial Act as it relates to the dismissal of cases for failure to commence trial, each of the above captioned defendants have been informed of their rights by their undersigned counsel and respectfully submit that the interests of justice will be best served by granting the continuance requested herein. Pursuant to Section 3161(h) of the Speedy Trial Act, certain periods of delay shall be excluded in computing the time within which the trial of any offense must commence.

In determining whether a continuance is justified, this Court must make the necessary findings that the interest of justice will be served by so permitting such a continuance of the trial date. Title 18, Section 3161(h)(7)(B) provides that a judge shall consider certain factors in making such a determination concerning the interests of justice; and that the reasons for such determination shall be set forth on the record. Title 18, Section 3161(h)(7)(B)(ii) provides that among the factors to be considered by the court are:

Whether the case is so unusual or so complex, due to the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

The Defendants respectfully submit that the interests of justice will be best served by granting the continuance requested herein. All counsel has requested and received extensive discovery material from the government, which includes many documents, tangible evidence, telephone records, Title III wiretap calls and applications, search warrants, videos, and other material. Counsel need additional time to review this voluminous discovery material, further investigate this case, interview potential witnesses, perform legal research, and have additional

discussions with the Defendants in order to effectively represent their clients and perform their due diligence. AUSA Matthew J. Cronin has indicated that the government does not oppose the granting of this instant request.

Based upon the foregoing, Defendants Irwin Jose Vargas, Keyra Linnette Martinez, Irwing Vargas Rosario, Isidoro M. Gonzalez, Alcides Garcia, Austin Natale, Kayla Mae Jonela, Rosemary Howell, Dennis Mansfield, William Rodriguez, Jeffery Mack, Victor Felix, Nelson Benitez, Jr., Thomas Lopez, and Edgar Arroyo jointly respectfully request this Honorable Court to continue all dates and deadlines for ninety (90) days to another date(s) that is convenient for the Court.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jaime P. Serrat
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